



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, April 18, 2017

PRESENT: Steve Kaufman
Les Bick
Russell Williams
Hollie Holcombe
Steven Hook
Ed Jones, Chair

ABSENT: Jeff Dennerline

STAFF: Allan Berry, Public Works Director
Erika Palmer, Senior Planner
Devree Leymaster, City Recorder

1. CALL TO ORDER

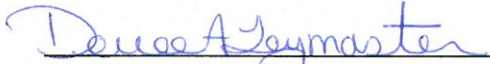
Commissioner Kaufman called the meeting to order.

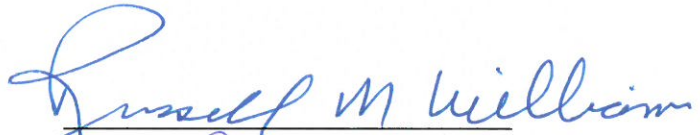
2. PLANNING COMMISSION TRAINING


Planning in Oregon Building Successful Communities: presented and facilitated by John Morgan. (*Exhibit A*)

3. ADJOURNMENT

Meeting adjourned by consensus at 9:20 PM.


Devree A. Leymaster
City Recorder


~~Ed Jones~~ Russell Williams
Chair (Vice)


Date

Planning in Oregon Building Successful Communities

*John Morgan
April 18, 2017
Fairview, Oregon*

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The Program Agenda

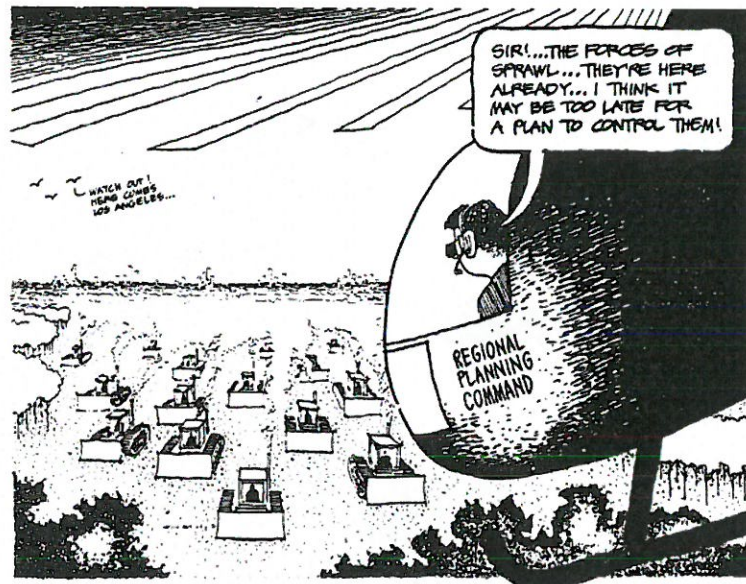
- ▶ History and Context
- ▶ Current Planning
- ▶ Planning Commission and Council Roles
- ▶ Hearing Process
- ▶ Ethics

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Goal: Make Decisions that are:

- ▶ Good
- ▶ Defensible
- ▶ Credible

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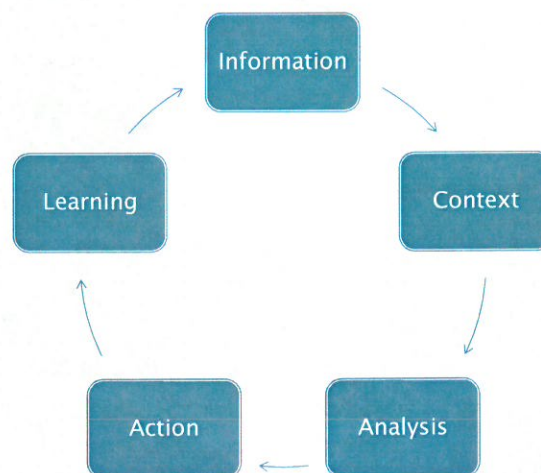
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Planning in Oregon – The Values

- ▶ How Did the System Emerge
 - Willamette Valley & Tom McCall
- ▶ SB 100 – 1973
 - The Commission & the Department
 - Goals and Guidelines (ORS & OAR)
 - Local Plans and Ordinances – Values
 - Conservation AND Development
 - Urban vs. Rural

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The Planning Process



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Current Planning

- ▶ Zoning
 - Variance
 - Conditional Use
 - Site Design Review
 - Zone Change
- ▶ Land Divisions
 - Property Line Adjustment
 - Partitioning (2 or 3 Parcels in calendar year)
 - Subdivision (4 or more lots in calendar year)

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Public Official Roles – Current Planning

- ▶ **Ministerial** decisions are made by the City staff without public notice and without public hearing. The Ministerial procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no discretion.
 - Sign Permit
 - Floodplain Development Permit
 - Property Line Adjustment

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Public Official Roles – Current Planning

- ▶ **Administrative** decisions are made by Planning Director with public notice and an opportunity for a public hearing. Generally, objective standards with some level of discretion. The appeal of an Administrative decision is generally heard by the Planning Commission.
 - Partition
 - Site Development Review

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Public Official Roles – Current Planning

- ▶ **Quasi-Judicial** decisions are reviewed by the Planning Commission with right of appeal to City Council. Quasi-Judicial decisions generally have significant discretionary approval criteria.
 - Conditional Use
 - Variance
 - Subdivision/PUD

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Public Official Roles – Current Planning

- ▶ **Legislative** procedures involve changes to the Plan or Code text and/or Plan or zone map where the changes require adoption of an Ordinance. Legislative matters are considered initially by the Planning Commission with final decisions made by the City Council. However, there are two distinct varieties:
 - Text Amendments (Legislative – Affects Community)
 - Zone Change with Plan Map change (Quasi-Judicial – Affects Single Property)

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The Quasi-Judicial Role

- ▶ Very formal
- ▶ Can take in information and opinions only on the formal record
- ▶ No conversations or input outside the public hearing
- ▶ No discussion except within the public process
- ▶ No decisions except by formal action

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How Decisions are Made

- ▶ Criteria
- ▶ Context and Process for Decisions
 - Public Hearing input
 - Staff
 - Applicant
 - Citizens
 - Staff
 - Findings of Fact
 - Conclusions
 - Written Decisions

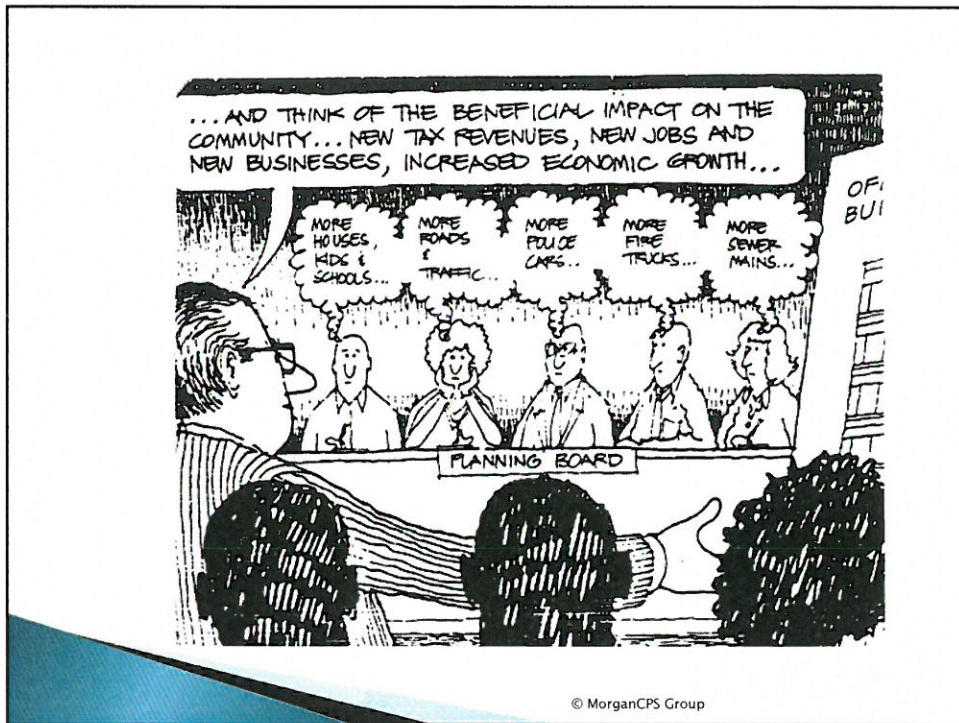
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17.74.110 Conditions for Granting Variance. A variance may be granted only in the event that the following circumstances substantially exist:

- Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of the ordinance codified in this title, topography, or other circumstance over which the applicant has no control;
- The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- The variance requested is the minimum variance which would alleviate the hardship.

McMinnville Development Code

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Other Stuff

- ▶ Ballot Measure 56 – Notification
- ▶ 120 Day Rule
- ▶ Others?

Ethics

- ▶ Ex parte contact
 - *What you have learned others have not*
- ▶ Conflict of interest
 - *What's financially at stake to you and yours*
- ▶ Bias
 - *What you think going into the process*

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What to do if you don't like it

- ▶ Change the Code
- ▶ Change the Criteria

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The MorganCPS Group

- ▶ 1308 Marigold Street NE
Keizer OR 97303-3553
- ▶ John N. Morgan
 - john@morgancps.com
 - 503-304-9401
- ▶ Walt Wendolowski AICP
 - communtypplan@msn.com
 - 503-363-7057
 - DLCD: www.lcd.state.or.us
 - League of Oregon Cities www.orcities.org
 - Oregon APA: www.orplanning.org
 - www.thechinookinsitute.org
 - www.morgancps.com
 - www.johnnmorgan.com

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